

Docket No.: BERTEK 3.0-025 DIV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Govil et al.

Application No.: 09/754,909

Filed: January 5, 2001

For: ADHESIVE MIXTURE FOR TRANSDERMAL
DELIVERY OF HIGHLY PLASTICIZING
DRUGS

: Group Art Unit: 161 RECEIVED
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: Examiner: E. Webman

SEP 6 9 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This is response to the official action mailed August 29, 2003, in which claims 64-80 were finally rejected.

This communication will initially confirm a telephone discussion between applicants' attorney and Examiner Webman on September 4, 2003. At that time, applicants' attorney pointed out that, contrary to the Examiner's position, Mantelle et al. is not a reference under § 102(b) as against this application. Indeed, the actual filing date of applicants' parent application

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

ARNOLD H. KROMHOLZ

Typed name of person signing certification

September 9, 2003

Date

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To: USPTO
Attn: Examiner Edward J. Webmann
Fax No. (703) 372-9306
No. of Pages: 2

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is June 26, 1997, many years prior to the publication of the Mantelle et al. patent. In view thereof, it is also clear that the affidavit under Rule 131 previously submitted by applicant is fully effective to overcome Mantelle et al., and therefore withdrawal of this rejection is respectfully requested.

Furthermore, since the only other rejection listed in the August 29, 2003, official action was a provisional rejection of obviousness-type double-patenting over claims in applicants' co-pending Application No. 08/883,075, which application has not been allowed, it is respectfully submitted that the present application is now clearly in condition for allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner still does not believe that such action can be taken, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome such objection.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 9, 2003

Respectfully submitted,

By 
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